



DEPARTMENT OF THE NAVY

U.S. NAVAL BASE GUAM

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NAVBASEGUAMINST 5090.2B
N45

NAVBASEGUAM INSTRUCTION 5090.2B

From: Commanding Officer, U.S. Naval Base Guam

Subj: SALTWATER FISHING

Ref: (a) 10 U.S.C. §2671
(b) 16 U.S.C. §670
(c) OPNAVINST 5090.1E
(d) JRM Integrated Natural Resources Management Plan of December 2020
(e) E.O. 12962

Encl: (1) Naval Base Guam Regulated Fishing Area
(2) Unauthorized Fishing Techniques
(3) Unauthorized Fishing Area at Haputo Ecological Reserve Area
(4) Unauthorized Fishing Area at Orote Peninsula Ecological Reserve Area
(5) Unauthorized Fishing Area at Gab Gab and San Luis
(6) Unauthorized Fishing Area at Polaris Point and Sasa Bay
(7) Unauthorized Fishing Area at Sumay Cove
(8) Unauthorized Fishing Area at Inner Apra Harbor
(9) Seafood Consumption Advisory Area
(10) Authorized Fishing Areas
(11) Seafood Consumption Advisory
(12) Apra Harbor Authorized Fishing Area and Seafood Consumption Advisory Areas
(13) Permitted Fishing Techniques
(14) Unauthorized Fishing Areas

1. Purpose. To promulgate enclosures (1) through (14) and the policy concerning saltwater fishing along all U.S. Naval Base Guam (NBG) shorelines and near shore waters on Naval property.

2. Cancellation. NAVBASEGUAMINST 5090.2A.

3. Definitions

a. Commercial fishing is the activity of capturing fish and other marine organisms for commercial profit.

b. Corals are marine colonial polyps from the class Anthozoa, which secrete calcium carbonate to form a hard skeleton enabling the development of reefs.

- c. Fishing is the act or practice of catching, harvesting, or collecting fish, crustaceans, mollusks, echinoderms, and other marine organisms.
 - d. Fishing techniques include hook and line, spearing, spearguns, Hawaiian slings, trapping, netting, or any other technique employed to capture fish, crustaceans, mollusks, echinoderms, or other marine organisms.
 - e. Recreational fishing is fishing for leisure rather than profit or provision of food, and does not involve the sale, barter, or trade of harvested marine resources.
 - f. Shoreline and near shore waters include Apra Harbor and all other submerged lands identified in enclosure (1) from the mean high tide line to the 20 fathoms (120 feet) depth contour; all near shore waters on Navy submerged lands around Guam not identified in enclosure (1) will be regulated by local Guam fishing laws and regulations.
 - g. Submerged lands extend from the mean high tide line to three nautical miles offshore and include water over such land owned and controlled by the Department of the Navy in and around the island of Guam as identified in Proclamation 4347, which is entitled “Reserving Certain Submerged Lands Adjacent to Rose Atoll National Wildlife Refuge Territory of American Samoa and, Certain Submerged Lands for the Defense Needs of the United States in the Territories of Guam and the Virgin Islands.”
 - h. Subsistence fishing is fishing for food (consumed by a local group of people) or for traditional/ceremonial purposes.
4. Scope. Reference (a) requires hunting, fishing and trapping at military installations to be in accordance with state fish and game laws. Reference (b) requires the Navy to design and implement an integrated natural resources management plan (INRMP) to provide for the conservation of marine resources and the sustainable multiple use of marine resources. Reference (c), chapter 12 establishes Navy policy guidance and requirements related to natural resource conservation, including recreational fishing. References (c) and (d) address conservation, restoration and enhancement of aquatic systems to provide for increased recreational fishing opportunities per reference (e).

5. Discussion

- a. Monitoring of fisheries and fishing activity since 1985 by Division of Aquatics and Wildlife Resources has documented an overall decline in fisheries around the island of Guam, highlighting the importance of regulating fishing activity to ensure viable populations are maintained. Additionally, high end food chain predators, which are typically targeted by fisherman, are largely absent from reefs around Guam. Disruption in the abundance and distribution of fish and other marine organisms from overfishing can affect marine processes including coral reef health and juvenile fish survival.
- b. Along Guam's shorelines, off military property, saltwater recreational opportunities abound and include swimming, diving, snorkeling, boating, kayaking, and fishing. In the past, saltwater

fishing from NBG property has impacted marine resources, endangered personnel, and created conflicts among recreational use. This instruction sets policy that is consistent with other policies and management plans, conserves natural resources, and ensures safety for recreational users.

6. Policy

- a. This policy applies to NBG shorelines and near shore waters as defined in this instruction.
- b. All forms of fishing are prohibited on Navy submerged lands listed in enclosure (1) and identified on the maps in enclosures (3) through (9). Navy submerged lands listed as Authorized Fishing Areas are outlined in enclosure (10) and are open to permitted fishing techniques outlined in enclosure (13). All other waters over land owned and controlled by the Department of the Navy around the island of Guam (i.e. all submerged lands (excluding Apra Harbor) extending from the 20 fathom depth contour to three nautical miles offshore) are regulated by Guam fishing laws and regulations.
- c. Fishing in waters along NBG shorelines and near shore waters on Naval property will not violate federal or Guam territorial laws including licensing laws.
- d. Unauthorized fishing techniques are listed in enclosure (2).
- e. Recreational fishing is permitted.
- f. Commercial and subsistence fishing is not permitted.
- g. All active duty and retired military personnel including National Guard, Reserves, Coast Guard, their family members, sponsored guests, and actively employed DoD civilian employees will be allowed to fish using permitted methods in waters along NBG shorelines and near shore waters on Naval property and modifications by the NBG Commanding Officer, based on changes in force protection conditions impacting base access or access to certain areas of the installation.
- h. A common sense approach will be taken to avoid mishaps and misunderstandings by all concerned. Mutual efforts and courtesies will be taken by all persons enjoying water recreation to avoid encroachment, conflict, and safety concerns.

7. Action

- a. NBG Morale, Welfare and Recreation facilities and environmental will provide the stewardship of this policy. NBG Security Department will provide the enforcement of this policy. Compliance with this regulation is mandatory. Violations of this regulation may subject military members to disciplinary action in accordance with the Uniform Code of Military Justice and may subject civilians to criminal penalties pursuant to 16 USC 670j.

b. Nothing in this policy shall be construed as to circumvent local approval to all Guam fishing laws and regulations. All persons fishing on NBG are required to comply with all local fishing regulations and requirements.

8. Records Management. Records created as a result to this instruction, regardless of media and format, must be managed per SECNAV Manual 5210.1 of September 2019.

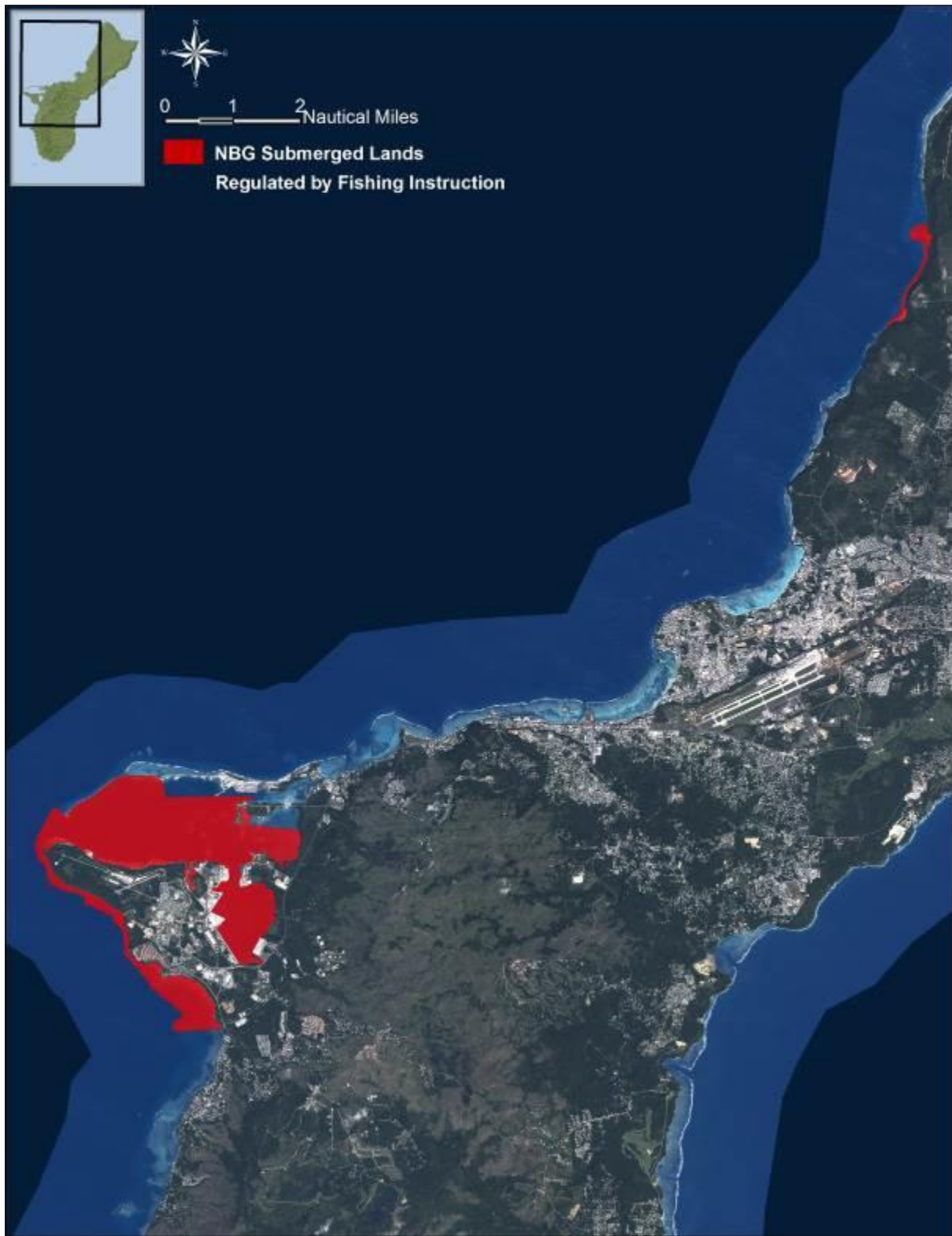
9. Review and Effective Date. Per OPNAVINST 5215.17A, the Installation Environmental Program Manager will review this instruction annually around the anniversary of its issuance date to ensure applicability, currency, and consistency with federal, Department of Defense, Secretary of the Navy, and Navy policy and statutory authority using OPNAV 5215/40 Review of Instruction. This instruction will be in effect for ten years, unless revised or canceled in the interim, and will be reissued by the ten-year anniversary date if it is still required, unless it meets one of the exceptions in OPNAVINST 5215.17A, paragraph 9. Otherwise, if the instruction is no longer required, it will be processed for cancellation as soon as the need for cancellation is known following the guidance in SECNAV Manual 5215.1 of May 2016.

J. M. GRIMES

Releasability and distribution:

This instruction is cleared for public release and is available electronically via the CNIC G2 Portal <https://g2.cnic.navy.mil/NAVBASEGUAM/Pages/default.aspx>

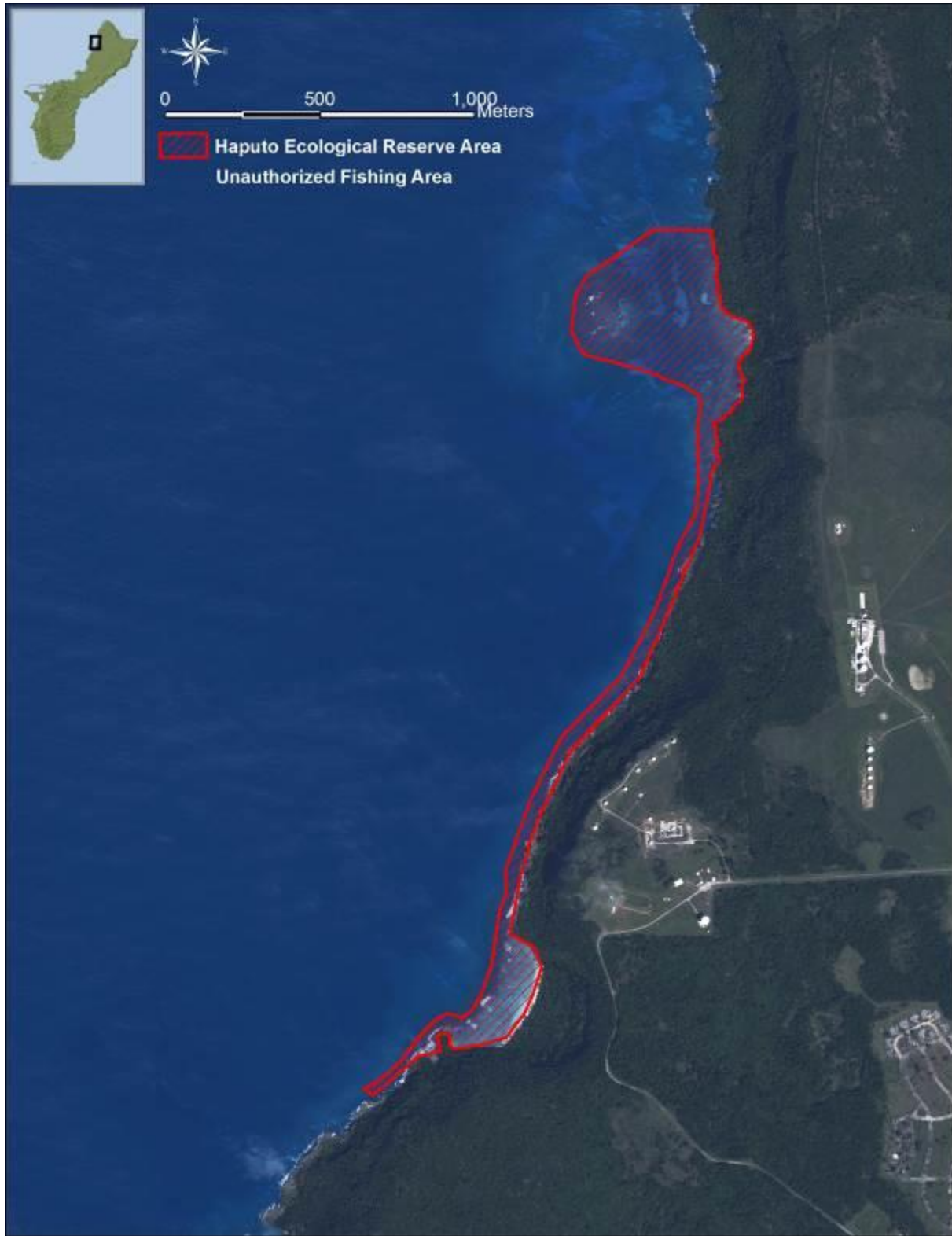
NAVAL BASE GUAM REGULATED FISHING AREA



UNAUTHORIZED FISHING TECHNIQUES

1. Explosives.
2. Poisons.
3. Intoxicating substances.
4. Electrical devices.
5. Snagging of fish by any method.
6. Fish weirs or other trapping methods.
7. SCUBA spearfishing (e.g. spear guns and Hawaiian slings), pointed rods, and gigs (hooks used for harvesting octopus).
8. Breath-hold spearfishing outside of daylight hours.
9. Nets other than cast nets, including, but not limited to, gill nets, drag nets, and surround nets.
10. Collection of coral (alive or dead).
11. Harvest or collection of mollusks (e.g. clams, snails, octopus, squid, cuttlefish), crustaceans (e.g. lobsters, crabs), or echinoderms (e.g. starfish, urchins, sea cucumber).
12. Any fishing technique not listed as a permitted fishing technique in enclosure (13).
13. Possession of any of the above devices within 50 feet of any NBG shoreline is presumption that the device is being used for illegal fishing. Prohibited devices found within 50 feet of any NBG water are subject to forfeiture as contraband on a military installation.
14. Prohibited fishing techniques may be permitted for authorized research or mitigation.

UNAUTHORIZED FISHING AREA AT HAPUTO ECOLOGICAL RESERVE AREA



**UNAUTHORIZED FISHING AREA AT OROTE PENINSULA ECOLOGICAL
RESERVE AREA**



UNAUTHORIZED FISHING AREA AT GAB GAB AND SAN LUIS



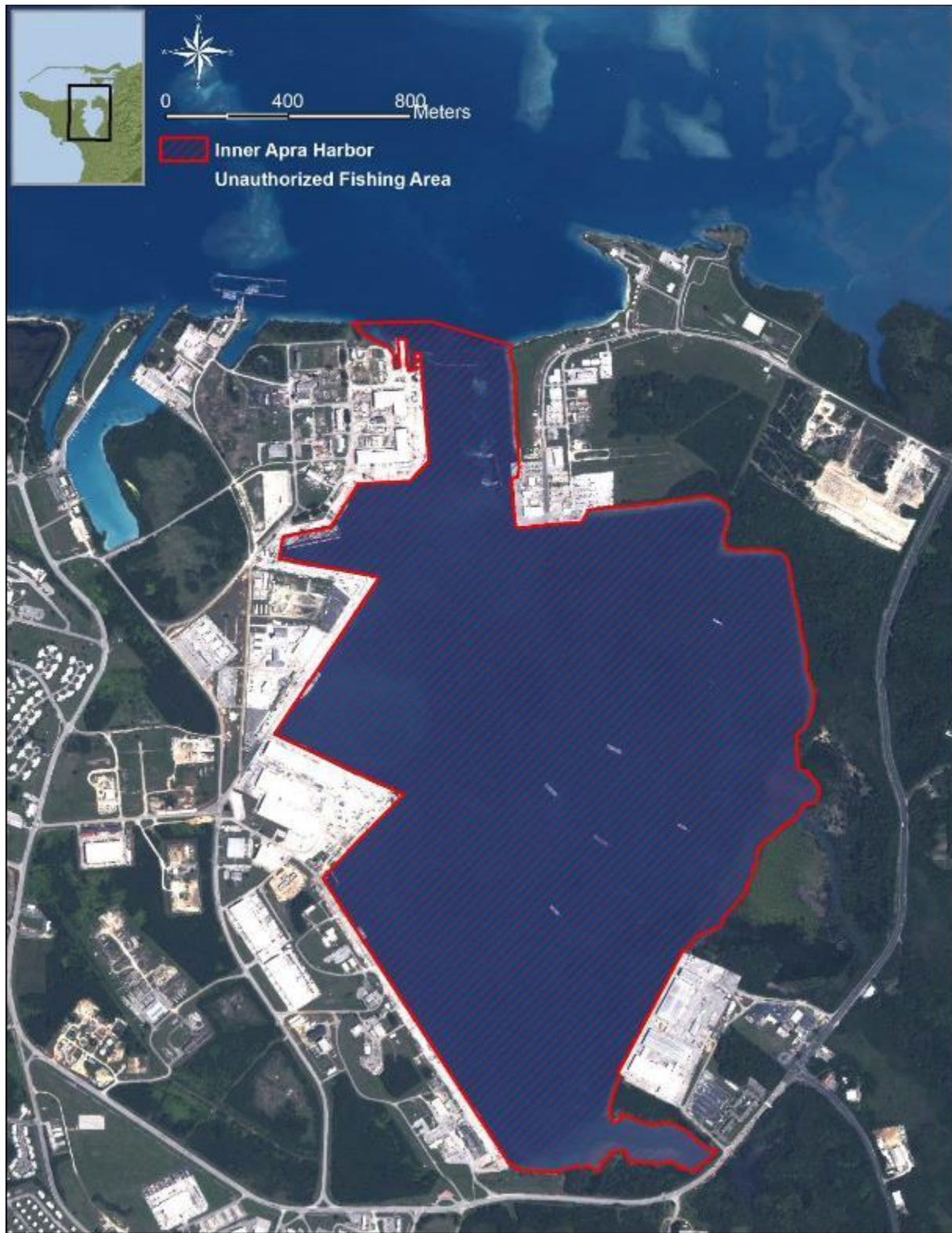
AUTHORIZED FISHING AREA AT POLARIS POINT AND SASA BAY



UNAUTHORIZED FISHING AREA AT SUMAY COVE



UNAUTHORIZED FISHING AREA AT INNER APRA HARBOR



SEAFOOD CONSUMPTION ADVISORY AREA



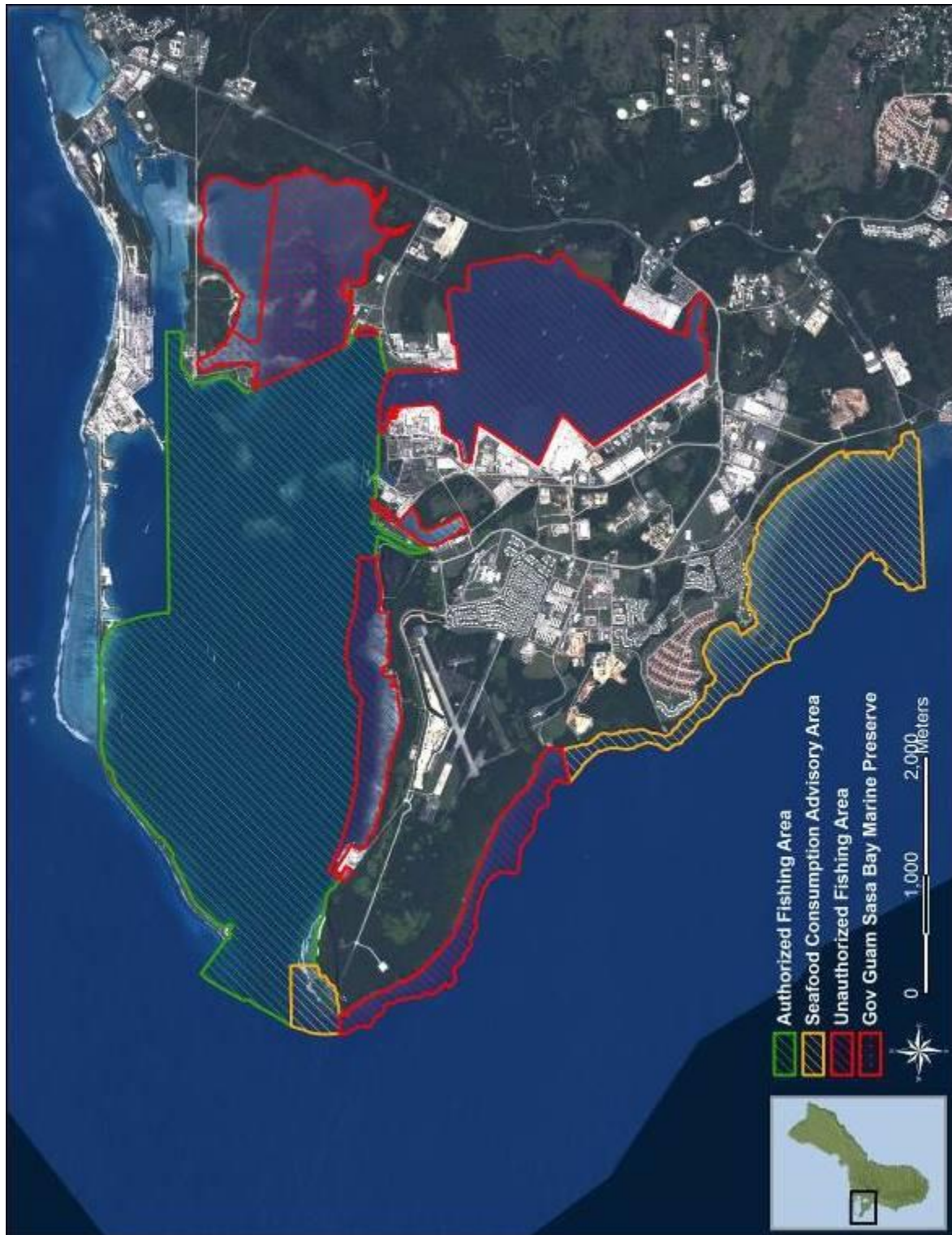
AUTHORIZED FISHING AREAS

1. Clipper Cove, between Sumay Cove and San Luis Beach area. Fishing is authorized throughout the entire cove to the west of Sumay Cove on the shore at latitude (lat.) 13° 26' 36.494" N, longitude (long.) 144° 39' 22.849" E and east towards San Luis Beach to the shore point, lat. 13° 26' 36.306" N, long. 144° 39' 14.082" E. See enclosure (12).
2. Polaris Point. Outside the protected swimming zone, from the northwest corner of the protected zone, lat. 13° 26' 35" N, long. 144° 38' 59" E to the lighthouse, lat. 13° 26' 45.045" N, long. 144° 40' 8.966", and from the southwest corner of the protected zone, lat. 13° 26' 35" N, long. 144° 38' 59" E to the Sumay Cove entrance at shore point lat. 13° 26' 33.299" N, long. 144° 40' 2.205" E. See enclosure (12).
3. Reserve Craft Beach and Echo and Delta Piers. Beginning at Echo pier shoreline at lat. 13° 27' 28.967" N, long. 144° 40' 12.992" E, through Delta pier area to Reserve Craft Beach shore point at lat. 13° 27' 11.838" N, long. 144° 56.539" E. See enclosure (12).
4. Seafood consumption advisory areas (catch and release). See enclosures (9), (11), and (12) for details and locations.

SEAFOOD CONSUMPTION ADVISORY

1. In 2001, Guam Public Health issued an advisory not to eat any fish or shellfish from Orote Point to Rizal Beach and along Gab Gab Beach area due to elevated concentrations of Polychlorinated Biphenyls found in fish tissue offshore.
2. Fishing from the Orote peninsula area identified in enclosure (14) is on a catch and release basis only, utilizing hook and line or cast net. Techniques that do not permit release of live fish (lethal techniques) are prohibited in this area. This area begins at the southeast boundary of Naval Submerged Lands identified in enclosures (7), (14) and extends Northwest to Orote Point to include the points defined below:
 - CR-1 Lat. 13° 24' 8" N, Long. 144° 39' 43" E
Along shoreline, at southeast boundary of Naval Submerged Lands.
 - CR-2 Lat. 13° 24' 8" N, Long. 144° 39' 03" E
Directly west of CR-1 at the 120 ft. depth contour.
 - CR-3 Lat. 13° 26' 47" N, Long. 144° 37' 09" E
Along the 120 ft. depth contour off of Orote Point.
 - CR-4 Lat. 13° 26' 47" N, Long. 144° 37' 20" E
Directly east of CR-3 and along the eastern extent of the Orote Point Seafood Advisory area.
 - CR-5 Lat. 13° 26' 53" N, Long. 144° 37' 20" E
Along the shoreline and directly south of CR-4.
3. Southern side of Orote peninsula including Dadi and Tipalao beaches. Catch and release fishing is authorized for the Southern side of Orote peninsula from the Southeastern shore point, Lat. 13° 24' 12.649" N, Long. 144° 39' 45.283" E up to Haputo point, Lat. 13° 25' 17.138" N, Long. 144° 38' 23.189" E. This includes all of Dadi and Tipalao beaches.
4. The designation of Gab Gab Beach and San Luis Beach as an unauthorized fishing area (see enclosure 4) addresses any concerns regarding the seafood advisory for this area and therefore does not require additional regulations.

APRA HARBOR AUTHORIZED FISHING AND SEAFOOD CONSUMPTION
ADVISORY AREAS



PERMITTED FISHING TECHNIQUES

1. Permitted fishing must occur in designated locations only.
2. Hook and line fishing from shoreline or boat is permitted; standing on coral or walking over coral to access a fishing area is prohibited.
3. Cast nets are permitted, but limited to the taking of seasonal juveniles such as rabbit fish (manahak), skipjack, goatfish (ti'ao), herring (menis), and mullet (aguas). Cast netting is permitted from shoreline only to protect corals. Standing on coral, walking over coral to access an area, or casting nets into coral is prohibited.

UNAUTHORIZED FISHING AREAS

1. Ecological Reserve Areas (ERA): Haputo ERA (HERA) and Orote Peninsula ERA (OPERA).

a. ERAs were established as areas in which natural conditions are maintained by allowing natural physical and biological processes to prevail without human intervention. The guidelines for establishing and managing ERAs, states that uncontrolled recreational use is not consistent with the objectives of ecological reserves and that most recreational activities should be discouraged or prohibited if they are incompatible with reserve objectives. NBG has an overall objective to ensure that the natural resources within each ERA is protected from physical, biological, and human induced stressors that result in adverse changes to the ecological characteristics that made them eligible to be ERAs.

b. Recent surveys indicate that fishing activities are adversely effecting fish populations at ERA sites on NBG. Despite containing a higher abundance and diversity of corals than other areas around Guam, ERAs contain low abundance and diversity of taxa of fish targeted by fisherman. Additionally, within ERAs on Guam the highest fish biomass was recorded at Orote Point Reef Slope, which has been attributed to the inaccessibility to fishing due to rough waters. ERA sites on NBG encompass areas considered to be biological hotspots due to the diversity and uniqueness of marine organisms present, including an area in the OPERA that provides habitat for several species not known to occur elsewhere on Guam. The impacts of fishing on the resources within HERA and OPERA are inconsistent with the management objectives of these areas.

c. HERA. All forms of fishing are prohibited within HERA. This ERA is located along the northwest coast of Naval Base Guam Telecommunications Site. It extends northward from the Federal Aviation Administration (FAA) and NBG north Finegayan Telecommunications Site boundary. The submerged portions of this ERA extend from the Mean Low Water Line to the edge of the outer coral reef line, including Double Reef and consist of approximately 72 acres of submerged area identified in enclosure (3). The coordinates of HERA are as follows:

(1) HERA-1 lat. 13° 34' 20.15" N, long. 144° 49' 30.15" E. Follows along FAA/Naval reservation boundary line on a bearing of N 54° 59' 57" W, down the cliff line to a water edge of mean sea level and to the edge of the outer coral reef line.

(2) HERA-2 lat. 13° 34' 20.50" N, long. 144° 49' 20.70" E. Follows along outer edge of Haputo Point coral reef line on a northerly direction.

(3) HERA-3 lat. 13° 35' 30.35" N, long. 144° 50' 10.00" E. On a northwesterly direction to the outer edge of a coral reef.

(4) HERA-4 lat. 13° 35' 40.40" N, long. 144° 49' 40.90" E. Follows along outer edge of a coral reef on a northeasterly direction to a point on an extended line of the Air Force/Naval reservation boundary.

(5) HERA-5 lat. 13° 35' 50.30" N, long. 144° 49' 55.50" E. Follows along Air Force/Navy reservation boundary line on a bearing due east, to a point on a water edge line (M.L.L.W.).

(6) HERA-6 lat. 13° 35' 50.30" N, long. 144° 50' 20.50" E. Follows along Air Force/Navy reservation boundary line on a bearing due east, up the cliff line to a point on a 300 feet contour line.

(7) HERA-7 lat. 13° 35' 50.30" N, long. 144° 50' 00.85" E. Follows along cliff line on a 300-foot contour and/or as indicated, on a southerly direction to a point of beginning.

d. OPERA. All forms of fishing are prohibited within the OPERA. This ERA is located along the southern coast of Orote Peninsula at NBG. It extends from Orote Point to approximately 0.4 miles north-northwest of Apuntua Point. The submerged portions of this ERA extend from the mean low water line to the edge of the 20 fathom contour and consist of approximately 133 acres of submerged area identified in enclosure (4). The coordinates of OPERA is as follows:

(1) OPERA-1 lat. 13° 26' 41.25" N, long. 144° 37' 00.05" E. Follows along top of cliff line on a southeasterly direction.

(2) OPERA-2 lat. 13° 25' 41.00" N, long. 144° 38' 10.80" E. From the top of the cliff to the bottom of the cliff at water's edge, to water depth of 20 fathoms (120 feet) on a line with a bearing of S 52° 30' 00" W.

(3) OPERA-3 lat. 13° 25' 36.80" N, long. 144° 38' 05" E. Follows along contour of 20 fathoms (120 feet) on a northwesterly direction to a point on Alpha Hotel south approach line.

(4) OPERA-4 lat. 13° 26' 42.50" N, long. 144° 36' 53.00" E. Follows Alpha Hotel south approach line to the bottom of the cliff line at the water's edge.

(5) OPERA-S lat. 13° 26' 42.35" N, long. 144° 37' 00.00" E. From the bottom of the cliff line to the top of the cliff line on the point of beginning, containing a total area of approximately 163 acres.

2. Gab Gab Beach and San Luis Beach

a. Gab Gab and San Luis Beaches are unauthorized fishing areas due to heavy recreational use by swimmers and divers. This area is also within a Seafood Consumption Advisory Area (enclosure (5)). The unauthorized fishing area follows the Seafood Consumption Advisory Area boundary, from the old fuel piers near San Luis Beach offshore to a depth of approximately 20 fathoms (120 feet). The unauthorized fishing area follows an approximate 110 feet depth contour west to Kilo Wharf where it extends south to the beach west of the wharf. The unauthorized fishing area extends north of the developed pool area to include Gab Gab II. All forms of fishing are prohibited in this area, which is identified in enclosure (5).

b. At no time is fishing authorized in the developed swimming area at Gab Gab, the protected swimming area marked by the float buoy boundary area at San Luis, or Gab Gab's second reef, commonly referred to as Gab Gab II.

3. Polaris Point and Sasa Bay

a. All forms of fishing are prohibited within the float buoy boundary area of Polaris Point Beach, which marks the protected swimming zone identified in enclosure (6). The protected swimming zone includes all locations east of the roped area between the two points:

(1) PP-1 lat. 13° 26' 35" N, long. 144° 38' 59" E. Northwest corner of designated swimming area.

(2) PP-2 lat. 13° 26' 35" N, long. 144° 38' 59" E. Southwest corner of designated swimming area.

b. The northern shoreline of Polaris Point borders the Sasa Bay Preserve. This marine preserve extends from Polaris Point to Dry Dock Island identified in enclosure (6). NBG submerged lands include the southern portion of Sasa Bay. Any form of fishing, collecting, or harvesting of marine organisms is prohibited in this area. The northern portion of Sasa Bay is Guam submerged lands. Under Guam fishing regulations, any form of fishing, collecting, or harvesting of marine organisms is prohibited in this area as well.

4. Sumay Cove Marina

a. All forms of fishing are prohibited from the boat ramp northward to the end of the mooring area identified in enclosure (7).

b. Fishing is strictly prohibited along the entire south and east sides of the cove, which is a turtle nesting area.

c. Due to the presence of Polychlorinated Biphenyls in sediment samples (as outlined in the Apra Harbor Sediment Remedial Investigation, NBG, September 2015), fishing is also prohibited from all areas between Sumay cove entrance and the entrance to inner Apra harbor (the North side of the Ship Repair Facility), Longitude 144° 39' 24.822", Latitude 13° 26' 34.352" and Longitude 144° 39' 48.344", Latitude 13° 26' 32.887".

5. Inner Apra Harbor. All forms of fishing are prohibited within Inner Apra Harbor identified in enclosure (8).

6. Wharves. All forms of fishing are prohibited from all NBG operational wharves, whether or not they are occupied by vessels/ships.

7. In any case where conflicts arise between fisherman and swimmers or divers in an area where fishing is otherwise authorized, fisherman must move to another area as not to injure or entangle swimmers or divers with hooks, lines, or nets.

8. Fisherman shall not transverse through any portion of areas where fishing is prohibited, including HERA, OPERA, and designated swimming area. However, this does not preclude them from using any of the other beach facilities (e.g., vehicle parking, walking through the beach land area with fishing equipment) to access authorized fishing waters.
9. Fishing may be permitted in unauthorized fishing areas for authorized research or mitigation.